

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

2006 AUG -2 A 9:24

UNITED STATES OF AMERICA)
)
v.) CASE NO. 3:05-CR-00141-MEF-CSC
)
ROY TERRY)

MOTION TO CONTINUE SENTENCING

COMES NOW the Defendant Roy Terry by and through counsel and files this Motion to Continue Sentencing and states the following grounds:

1. The Defendant's sentencing is presently scheduled for August 11, 2006.

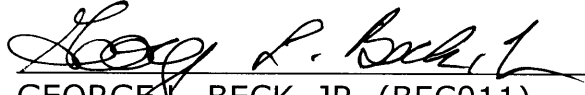
2. The undersigned attorney for said Defendant will undergo shoulder surgery on August 10, 2006, and is expected to be confined to his home for one to two weeks and will not be able to attend the sentencing. Said attorney is the only attorney in the firm who is intimately familiar with the negotiations with the Government, conferences with the Assistant U.S. Attorney and the United States Office of Probation.

3. The Defendant prefers to have his own attorney at the sentencing.

4. Assistant U.S. Attorney Andy Schiff does not oppose the continuance.

Respectfully submitted this the 1st day of August, 2006.

CAPELL & HOWARD, P.C.

By: 
GEORGE L. BECK, JR. (BEC011)
150 South Perry Street
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CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing instrument upon the following individual(s), properly addressed, by placing same in the United States Mail, first-class, postage prepaid, on this the 1st day of August, 2006.

Andrew O. Schiff, Esq.
Assistant U.S. Attorney
P.O. Box 197
Montgomery, AL 36101-0197

Mr. Doug Mathis
United States Probation Office
Post Office Box 39
Montgomery, AL 36101

By: 
GEORGE L. BECK, JR. (BEC011)